

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN ASSEMBLY MAY 31, 2006

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 626

Introduced by Senator Soto
(Coauthor: Assembly Member Karnette)

February 22, 2005

An act to amend Section 14602.6 of, and to add Section 14602.4 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as amended, Soto. Impounding vehicles.

Under existing law, whenever a peace officer determines that a person was driving a vehicle without ever having been issued a driver's license, the peace officer is authorized to either immediately arrest that person and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person. In either case, under existing law that vehicle is required to be impounded for 30 days, subject to an earlier release to the registered owner under specified circumstances and an earlier release to the legal owner under other specified circumstances.

This bill would *establish a 24-hour impoundment period, rather than the 30-day impoundment period, and would for these vehicles require the impounding agency to release the described impounded vehicle upon the request of the registered owner, or the legal owner or his or her agent, without subjecting the vehicle to the current 30-day 24-hour impoundment period and related restrictions, but would prohibit the vehicle from being released less than 24 hours after impoundment, under specified circumstances.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14602.4 is added to the Vehicle Code,
2 to read:

3 14602.4. (a) (1) Whenever a peace officer determines that a
4 person was driving a vehicle without ever having been issued a
5 driver's license, the peace officer may immediately arrest that
6 person and cause the removal and seizure of that vehicle or, if the
7 vehicle is involved in a traffic collision, cause the removal and
8 seizure of the vehicle, without the necessity of arresting the
9 person in accordance with Chapter 10 (commencing with Section
10 22650) of Division 11. *A vehicle so impounded shall be*
11 *impounded for 24 hours.*

12 (2) The impounding agency, within two working days of
13 impoundment, shall send a notice by certified mail, return receipt
14 requested, to the legal owner of the vehicle, at the address
15 obtained from the department, informing the owner that the
16 vehicle has been impounded. Failure to notify the legal owner
17 within two working days shall prohibit the impounding agency
18 from charging for more than 15 days' impoundment when the
19 legal owner redeems the impounded vehicle. The impounding
20 agency shall maintain a published telephone number that
21 provides information 24 hours a day regarding the impoundment
22 of vehicles and the rights of a registered owner to request a
23 hearing.

24 (b) The registered and legal owner of a vehicle that is removed
25 and seized under subdivision (a) or their agents shall be provided
26 the opportunity for a storage hearing to determine the validity of,

1 or consider any mitigating circumstances attendant to, the
2 storage, in accordance with Section 22852.

3 (c) A period in which a vehicle is subjected to storage under
4 this section shall be included as part of the period of
5 impoundment ordered by the court under subdivision (a) of
6 Section 14602.5.

7 (d) (1) An impounding agency shall release an impounded
8 vehicle upon the request of the legal owner or his or her agent, or
9 ~~the registered owner, but no sooner than 24 hours after~~
10 ~~impoundment.~~ *the registered owner or his or her agent prior to*
11 *the 24-hour impoundment period under the following*
12 *circumstances:*

13 (A) *When the vehicle is stolen.*

14 (B) *When the vehicle is subject to bailment and is driven by an*
15 *unlicensed employee of a business establishment, including a*
16 *parking service or repair garage.*

17 (C) *When the vehicle is seized under this section for an offense*
18 *that does not authorize the seizure of the vehicle.*

19 (2) Except as provided in Section 4022, a vehicle shall not be
20 released pursuant to this subdivision without presentation of the
21 registered owner's, or the legal owner's or his or her agent's,
22 currently valid driver's license to operate the vehicle and proof of
23 current vehicle registration, or upon order of a court.

24 (3) A vehicle shall be released under this subdivision to a legal
25 owner described in paragraph (1) of subdivision (f) of Section
26 14602.6, subject to the conditions set forth in subdivision (f) of
27 Section 14602.6.

28 (e) The registered owner, or the legal owner or his or her
29 agent, is responsible for all towing and storage charges related to
30 the impoundment, and any administrative charges authorized
31 under Section 22850.5.

32 (f) (1) The legal owner or the legal owner's agent shall not
33 relinquish the vehicle to the registered owner until the registered
34 owner or that owner's agent presents his or her valid driver's
35 license or valid temporary driver's license to the legal owner or
36 the legal owner's agent. The legal owner or the legal owner's
37 agent shall make every reasonable effort to ensure that the
38 license presented is valid.

39 (2) Prior to relinquishing the vehicle, the legal owner may
40 require the registered owner to pay all towing and storage

1 charges related to the impoundment and any administrative
2 charges authorized under Section 22850.5 that were incurred by
3 the legal owner in connection with obtaining custody of the
4 vehicle.

5 (g) Notwithstanding any other provision of this section, the
6 registered owner and not the legal owner shall remain responsible
7 for any towing and storage charges related to the impoundment,
8 any administrative charges authorized under Section 22850.5,
9 and any parking fines, penalties, and administrative fees incurred
10 by the registered owner.

11 (h) The impounding agency is not liable to the registered
12 owner for the improper release of the vehicle to the legal owner
13 or the legal owner's agent provided the release complies with this
14 section.

15 SEC. 2. Section 14602.6 of the Vehicle Code is amended to
16 read:

17 14602.6. (a) (1) Whenever a peace officer determines that a
18 person was driving a vehicle while his or her driving privilege
19 was suspended or revoked, or driving a vehicle while his or her
20 driving privilege is restricted pursuant to Section 13352 or 23575
21 and the vehicle is not equipped with a functioning, certified
22 interlock device, the peace officer may either immediately arrest
23 that person and cause the removal and seizure of that vehicle or,
24 if the vehicle is involved in a traffic collision, cause the removal
25 and seizure of the vehicle without the necessity of arresting the
26 person in accordance with Chapter 10 (commencing with Section
27 22650) of Division 11. A vehicle so impounded shall be
28 impounded for 30 days.

29 (2) The impounding agency, within two working days of
30 impoundment, shall send a notice by certified mail, return receipt
31 requested, to the legal owner of the vehicle, at the address
32 obtained from the department, informing the owner that the
33 vehicle has been impounded. Failure to notify the legal owner
34 within two working days shall prohibit the impounding agency
35 from charging for more than 15 days' impoundment when the
36 legal owner redeems the impounded vehicle. The impounding
37 agency shall maintain a published telephone number that
38 provides information 24 hours a day regarding the impoundment
39 of vehicles and the rights of a registered owner to request a
40 hearing.

1 (b) The registered and legal owner of a vehicle that is removed
2 and seized under subdivision (a) or their agents shall be provided
3 the opportunity for a storage hearing to determine the validity of,
4 or consider any mitigating circumstances attendant to, the
5 storage, in accordance with Section 22852.

6 (c) A period that a vehicle is subjected to storage under this
7 section shall be included as part of the period of impoundment
8 ordered by the court under subdivision (a) of Section 14602.5.

9 (d) (1) An impounding agency shall release a vehicle to the
10 registered owner or his or her agent prior to the end of 30 days'
11 impoundment under any of the following circumstances:

12 (A) When the vehicle is a stolen vehicle.

13 (B) When the vehicle is subject to bailment and is driven by an
14 unlicensed employee of a business establishment, including a
15 parking service or repair garage.

16 (C) When the license of the driver was suspended or revoked
17 for an offense other than those included in Article 2
18 (commencing with Section 13200) of Chapter 2 of Division 6 or
19 Article 3 (commencing with Section 13350) of Chapter 2 of
20 Division 6.

21 (D) When the vehicle was seized under this section for an
22 offense that does not authorize the seizure of the vehicle.

23 (E) When the driver reinstates his or her driver's license or
24 acquires a driver's license and proper insurance.

25 (2) A vehicle shall not be released pursuant to this subdivision
26 without presentation of the registered owner's or agent's
27 currently valid driver's license to operate the vehicle and proof of
28 current vehicle registration, or upon order of a court.

29 (e) The registered owner or his or her agent is responsible for
30 all towing and storage charges related to the impoundment, and
31 any administrative charges authorized under Section 22850.5.

32 (f) A vehicle removed and seized under subdivision (a) shall
33 be released to the legal owner of the vehicle or the legal owner's
34 agent prior to the end of 30 days' impoundment if all of the
35 following conditions are met:

36 (1) The legal owner is a motor vehicle dealer, bank, credit
37 union, acceptance corporation, or other licensed financial
38 institution legally operating in this state or is another person, not
39 the registered owner, holding a security interest in the vehicle.

(2) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(3) The legal owner or the legal owner's agent presents either lawful foreclosure documents or an affidavit of repossession for the vehicle, and a security agreement or title showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The impounding agency shall not require any documents to be notarized. The impounding agency may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the impounding agency, that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

Administrative costs authorized under subdivision (a) of Section 22850.5 shall not be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. A city, county, city and county, or state agency shall not require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The impounding agency shall not require any documents other than those specified in this paragraph. The impounding agency shall not require any documents to be notarized.

As used in this paragraph, "foreclosure documents" means an "assignment" as that term is defined in subdivision (o) of Section 7500.1 of the Business and Professions Code.

(g) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (f) shall not release the vehicle to the registered owner of the vehicle or any agents of

1 the registered owner, unless the registered owner is a rental car
2 agency, until after the termination of the 30-day impoundment
3 period.

4 (2) The legal owner or the legal owner's agent shall not
5 relinquish the vehicle to the registered owner until the registered
6 owner or that owner's agent presents his or her valid driver's
7 license or valid temporary driver's license to the legal owner or
8 the legal owner's agent. The legal owner or the legal owner's
9 agent shall make every reasonable effort to ensure that the
10 license presented is valid.

11 (3) Prior to relinquishing the vehicle, the legal owner may
12 require the registered owner to pay all towing and storage
13 charges related to the impoundment and any administrative
14 charges authorized under Section 22850.5 that were incurred by
15 the legal owner in connection with obtaining custody of the
16 vehicle.

17 (h) (1) A vehicle removed and seized under subdivision (a)
18 shall be released to a rental car agency prior to the end of 30
19 days' impoundment if the agency is either the legal owner or
20 registered owner of the vehicle and the agency pays all towing
21 and storage fees related to the seizure of the vehicle.

22 (2) The owner of a rental vehicle that was seized under this
23 section may continue to rent the vehicle upon recovery of the
24 vehicle. However, the rental car agency shall not rent another
25 vehicle to the driver of the vehicle that was seized until 30 days
26 after the date that the vehicle was seized.

27 (3) The rental car agency may require the person to whom the
28 vehicle was rented to pay all towing and storage charges related
29 to the impoundment and any administrative charges authorized
30 under Section 22850.5 that were incurred by the rental car
31 agency in connection with obtaining custody of the vehicle.

32 (i) Notwithstanding any other provision of this section, the
33 registered owner and not the legal owner shall remain responsible
34 for any towing and storage charges related to the impoundment,
35 any administrative charges authorized under Section 22850.5,
36 and any parking fines, penalties, and administrative fees incurred
37 by the registered owner.

38 (j) The impounding agency is not liable to the registered
39 owner for the improper release of the vehicle to the legal owner

- 1 or the legal owner's agent provided the release complies with the
- 2 provisions of this section.

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